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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

<p>MONROE GILBERT,</p> <p>Plaintiff(s),</p> <p>vs.</p> <p>QUIANA A. BARTON, and/or “JANE DOE 1-5” (being fictitious designations), JOSEPH SMITH, JR., and/or “JOHN DOE 1-5” (being fictitious designations), UNITED STATES POSTAL SERVICE, and/or ABC CORP. (being fictitious designations),</p> <p>Defendants.</p>	<p>CIVIL ACTION NO.:</p> <p>CIVIL ACTION</p> <p>COMPLAINT AND JURY DEMAND</p>
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Plaintiff(s), MONROE GILBERT, residing at 156 Straight Street, Paterson, New Jersey,
by way of Complaint against the Defendants, says, upon information and belief:

JURISDICTION

1. At all times relevant herein, the Plaintiff, MONROE GILBERT, was a resident of the State of New Jersey residing at the above location.
2. At all times relevant herein, upon information and belief, the individual Defendant, GUIANA A. BARTON, was a resident of the State of New Jersey.
3. At all times relevant herein, upon information and belief, the individual Defendant, JOSEPH SMITH, JR., was a resident of the State of New Jersey.

4. At all times relevant herein, the public entity Defendant, that being the United States Postal Service, was organized under the laws of the United States Government.

5. Jurisdiction is proper within this United States District Court for the District of New Jersey, pursuant to 28 U.S.C. Sec. 1346(b)(1).

FACTS

6. On or about January 26, 2019, the Plaintiff, MONROE GILBERT, was a passenger in a motor vehicle owned and/or operated by Defendant, QUIANA A. BARTON, and/or “JANE DOE 15” (being fictitious designations).

7. On the same date and time, Defendant, JOSEPH SMITH, JR., and/or “JOHN DOE 1-5” (being fictitious designations), was in the course and scope of his employment with the UNITED STATES POSTAL SERVICE and was the operator of a motor vehicle owned by Defendant, UNITED STATES POSTAL SERVICES and/or ABC CORP. (being fictitious designations), located at 80 County Road in Jersey City, Hudson County, New Jersey.

8. On the same date and time, Defendant QUIANA A. BARTON, and/or “JANE DOE 1-5” (being fictitious designations) was traveling southbound in the New Jersey International Network and Distribution Center parking lot located at 80 County Road in Jersey City, Hudson County, New Jersey.

9. On the same date and time, Defendant JOSEPH SMITH, JR., and/or “JOHN DOE 15” (being fictitious designations) was traveling northbound in the New Jersey International Network and Distribution Center parking lot located at 80 County Road in Jersey City, Hudson County, New Jersey.

10. At the same time and place, Defendant JOSEPH SMITH, JR. and/or “JOHN DOE 15” (being fictitious designations) and Defendant QUINA A. BARTON, and/or “JANE DOE 1-5” (being fictitious designations) respective vehicles collided into one another.

11. As a result of the motor vehicle incident of January 26, 2019, Plaintiff, MONROE GILBERT, was seriously injured.

12. On or about March 18, 2019, counsel for Plaintiff forwarded a Notice of Claim to the United States Postal Service at 80 County Road, Jersey City, New Jersey advising that Plaintiff MONROE GILBERT suffered personal injuries as a result of the negligence of an employee of the UNITED STATES POSTAL SERVICE.

13. On or about August 25, 2020, Defendant, UNITED POSTAL SERVICE, forwarded a denial of claim to counsel for Plaintiff MONROE GILBERT.

COUNT ONE

14. On or about January 26, 2019, Plaintiff, MONROE GILBERT, was a passenger in a motor vehicle owned and/or operated by the Defendants, QUIANA A. BARTON, and/or “JANE DOE 15” (being fictitious designations) which was traveling southbound in the employee parking lot of Defendant, UNITED STATES POSTAL SERVICE, and/or ABC CORP. (being fictitious designations), located at 80 County Road in Jersey City, Hudson County, New Jersey.

15. At the aforesaid time and place, the Defendant, JOSEPH SMITH, JR., and/or “JOHN DOE 1-5” (being fictitious designations), was the operator of a motor vehicle owned by Defendants, UNITED STATES POSTAL SERVICE, and/or ABC CORP. (being fictitious designations), traveling northbound towards Secaucus Road in the employee parking lot of Defendant, UNITED STATES POSTAL SERVICE, and/or ABC CORP. (being fictitious designations) located at 80 County Road in Jersey City, Hudson County, New Jersey.

16. At all relevant times herein, the Defendants owed a duty to Plaintiff and persons such as Plaintiff to operate their motor vehicles without carelessness and/or negligence, to use reasonable care and caution in the operation of their motor vehicles, and to maintain control of their motor vehicles at all times.

17. At all relevant times herein, Defendants breached their duty of care to Plaintiff by operating their motor vehicles with carelessness and/or negligence and/or wanton disregard for the safety of Plaintiff and persons such as Plaintiff and operated their motor vehicles in such a careless and negligent manner so as to cause a collision with the vehicle in which Plaintiff was a passenger.

18. As a proximate cause and reasonably foreseeable result of Defendants' aforesaid negligence, Plaintiff, MONROE GILBERT, suffered severe and permanent injuries; was disabled and disfigured; has suffered and will continue to suffer great pain and torment, both mental and physical; has been and will in the future be compelled to spend great and diverse sums of money for medical aid and treatment; and has been and will be prevented from attending to his usual occupation, duties, activities and business.

WHEREFORE, Plaintiff, MONROE GILBERT, demands judgment against the Defendants, QUIANA A. BARTON, and/or "JANE DOE 1-5" (being fictitious designations), and/or JOSEPH SMITH, JR., and/or "JOHN DOE 1-5" (being fictitious designations), UNITED STATES POSTAL SERVICE, and/or ABC CORP. (being fictitious designations), jointly, severally and/or jointly and severally, for damages, together with interest, costs of suit and such other relief as the Court deems necessary and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Paige Butler, is designated as trial counsel.

CERTIFICATION

I hereby certify that this matter is not the subject of any other action pending in any court or arbitration proceeding, that no such other action or arbitration proceeding is contemplated by this Plaintiff, and that there are no other parties, whom, to the knowledge of the Plaintiff's counsel, should be joined in this action.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

LAW OFFICES ROSEMARIE ARNOLD
Attorney for Plaintiff, MONROE GILBERT

/s/ Rosemarie Arnold

Paige Butler

Date: January 5, 2021